

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 12-17 and 19-35 are requested to be cancelled. Claims 1-11, 18 and 36-41 are currently being amended. Claims 42-46 are being added as new claims.

This amendment adds, changes and deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-11, 18 and 36-46 are now pending in this application.

Claim Objections

Claims 1-41 were objected to for informalities. In this amendment, Applicants have cancelled claims 12-17 and 19-35 and amended claims 1-13, 18 and 36-41 to correct the informalities. Accordingly, Applicants request that the objection be withdrawn.

Claim Rejections under 35 U.S.C. § 103

Claims 1-9, 14-27 and 32-41 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2002/0129170 ("Moore") in view of U.S. Patent Publication No. 2005/0180343 ("Van Valkenburg"). Claims 10-13 and 28-31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Moore in view of Van Valkenburg and in further view of U.S. Publication No. 2005/0180343 ("Callaway"). In response, without agreeing or acquiescing to the rejection, Applicants have cancelled claims 12-17 and 19-35 and amended claims 1-11, 18 and 36-41. Further, Applicants respectfully traverse the rejection for the reasons set forth below.

Applicants rely on MPEP § 2143.03, which requires that all words in a claim must be considered in judging the patentability of that claim against the prior art. Here, the cited references do not identically disclose, teach or suggest all the claim limitations. *See In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

Independent claim 1 is directed to “a method for exchanging data between a portable user equipment (MS), a plurality of service stations placed at selected locations and a plurality of mobile service providers” comprising, in addition to other steps:

- a) generating a first request message including designating service data at the portable user equipment (MS);
- b) transmitting the first request message, each of the plurality of service stations being arranged with a short-range communication module which provides a first transmission zone, the portable user equipment including a compatible short-range communication module;
- c) generating a second request message including at least said designating service data at that one of the plurality of service stations whose first transmission zone contains the portable user equipment upon receiving the first request message;
- d) transmitting the second request message, each of the plurality of mobile service providers being arranged with a short-range communication module which provides a second transmission zone, each of the plurality of service stations including a compatible short-range communication module;
- e) receiving the second request message at that one of the plurality of mobile service providers whose second transmission zone contains one of the plurality of service stations at which the second request message was generated; and
- f) stopping such mobile service provider at such service station.

Independent claim 42 recites similar limitations. Without limitation to the claims, Applicants direct the examiner to Figs. 1A-1D and 2A-2B.

Claim 1 relates to a method for exchanging data between a portable user equipment, such as a mobile phone, a plurality of service stations placed at selected locations, such as bus stops, and a plurality of mobile service providers, *such as buses*. Execution of the claimed method results in the stopping of a mobile service provider at one of the service stations in order to perform said service, i.e., pickup a passenger. For example, a user uses his mobile phone (portable equipment) for generating a request for a bus (mobile service provider).

When the user is close to one bus stop (service station), the request is spontaneously sent to this bus stop. A subsequent request for a bus is generated at this bus stop. When one of the buses is close to said bus stop, the subsequent request is spontaneously sent to said bus, and the latter stops at said bus stop in order that the user goes on board the bus.

Accordingly, the service providers are necessarily mobile, i.e., they move from one service station to another service station by themselves. A mobile service provider can perform the service at any one of the service stations. Further, the service station that receives the first request message and the mobile service provider that receives the second request message do not have to be identified, in particular by an address. When the user generates the first request message, he does not know which one of the bus stops he is approaching. When the service station transmits the second request, it does not know which one of the buses is approaching it.

The claimed method is completely different from a “routing” process which is implemented in the cited references. In a routing technology, the recipient is identified by an address and a message can be delivered to it whatever its location. In contrast, in the claimed method and apparatus, a device becomes a recipient, i.e., a device receives a message, due to its location. The transmission of the first request message and second request message is spontaneously triggered only by the fact that a recipient, i.e., an element that is able to receive the message, is entering the coverage zone of the sender.

In addition, the claimed portable user equipment, the service station and the mobile service provider do not have to be arranged to mutually exchange data in a continuous manner. There is no need for a connection between the buses and the user portable equipment, neither directly nor through the service station, as the requests are made in the form of messages.

In contrast, the cited references do not disclose, teach or suggest each and every element recited in independent claims 1 and 42. Moore is directed to a system using a kiosk to establish a personal area network. Electronic services are delivered to wireless devices within the personal area network. *See* Abstract. The Office Action asserts that the servers 120 are equivalent to mobile service means. Applicants disagree. As stated above, mobile service providers are mobile, e.g. a vehicle. A server 120 is not mobile and is not a vehicle.

Accordingly, for this reason alone, Moore fails to identically disclose, teach or suggest all the claim limitations as claimed in claim 1. Further, the Office Action acknowledges that Moore fails to disclose receiving a requested service from mobile service means. To cure the deficiency of Moore, the Office Action relies on Van Valkenburg. However, Van Valkenburg fails to cure the deficiencies of Moore.

Van Valkenburg relates to extending a service area by relaying a service from one device to another. *See* ¶ [0001]. Van Valkenburg asserts that a local network and internet access service can be used anywhere providing that devices be physically distributed between the master device and another (“third”) device. However, Van Valkenburg does not disclose, teach or suggest the claimed mobile service providers. Further, the devices disclosed in Van Valkenburg are not intended to perform a service at a precise and determined location. As claimed, the location where the mobile service provider provides a service is determined as being the service station whose coverage zone contains the user portable equipment. In contrast, Van Valkenburg’s goal is to extend provided service to a larger area. *See* ¶ [0001].

In addition, Van Valkenburg requires a continuous and permanent connection between all the devices that are linked together in order that a service can be performed. *See* Fig. 3. In contrast, the claimed user portable equipment, service station and mobile service provider do not mutually communicate in a continuous manner.

Moreover, neither Moore nor Van Valkenburg suggests that it would be appropriate to modify Moore by Van Valkenburg. Furthermore, it would not have been obvious to one skilled in the art to make such a combination to arrive at the claimed invention. Moore and Van Valkenburg are both related to centralized systems: a server in Moore and the master device in Van Valkenburg form the center of information systems. Thus, the combination would result in a centralized system as both Van and Moore relates to centralized systems. In contrast, the claimed method and apparatus are directed to a distributed information system.

Further, as discussed above, Van Valkenburg and Moore both relate to technologies that both involve a routing step. The scatternet technology, as used in Van Valkenburg, involves a routing method. *See* ¶ [0004]. In order that a final device connects to internet, the latter has to know the address of the adjacent devices. A route has to be established in order that the request data and the requested data are correctly forwarded. The scatternet

technology, as used in Van Valkenburg, also involves a searching step in order to discover analog and adjacent devices and an address of the latter.

In contrast, in the claimed method and apparatus, a device becomes a recipient, i.e., a device receives a message, due to its location. For example, applying the scatternet technology to the claimed method and apparatus would lead to choosing a particular bus, for example, the bus number 5 of bus line 6, and transmitting bus number 5 a message by relaying this message from one bus to another. In view of the explanation provided above, this functionality is completely different from that of the claimed method and apparatus.

Even assuming *arguendo* that the cited references provided internet access by establishing an ad hoc point-to point connection from the servers 120 to the PAN-enabled device 140 through the kiosks 100, there would not be service stations at which the service is performed, as the service would be performed at the location of the user. Further, the servers 120 are not be mobile and the kiosks would have to communicate with each other. The combination would result in a network of kiosks, and the PAN enabled device would communicate with all the kiosks. Further, the user would have to initiate a communication with a kiosk.

In contrast, the claimed service stations do not communicate with each other, and in fact cannot do this because of the distance. In the claimed invention, the portable user equipment only communicates with one service station, that is, the one of the service station whose coverage zone contains the user mobile equipment. Further, as opposed to user-initiated communication the claimed method and apparatus require that communication is automatically triggered due to proximity. Accordingly, the combination of Moore and Van Valkenburg fail to disclose each and every limitation as claimed in independent claims 1 and 42.

When determining whether a claim is obvious, an examiner must make “a searching comparison of the claimed invention – *including all its limitations* – with the teaching of the prior art.” *In re Ochiai*, 71 F.3d 1565, 1572 (Fed. Cir. 1995) (emphasis added). Thus, “obviousness requires a suggestion of all limitations in a claim.” *CFMT, Inc. v. Yieldup Intern. Corp.*, 349 F.3d 1333, 1342 (Fed. Cir. 2003) (*citing In re Royka*, 490 F.2d 981, 985 (CCPA 1974)). Moreover, as the Supreme Court recently stated, “*there must be some*

articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *KSR Int’l v. Teleflex Inc.*, 127 S. Ct. 1727, 1741 (2007) (quoting *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006) (emphasis added)). Here, the cited references fail to disclose each and every limitation in as complete detail as is contained in independent claims 1 and 42.

Claims 2-11, 18, 36-41 and 43-46 depend from one of independent claims 1 or 42 and should be allowed for the reasons set forth above without regard to further patentable limitations contained therein. Further, Callaway fails to cure the deficiencies of Moore and Van Valkenburg.

If this rejection of the claims is maintained, the examiner is respectfully requested to point out where the above-mentioned features are disclosed in the cited references.

New Claims

Claims 42-46 have been added to further define the invention. No new matter has been added. Support for new claims 42-46 can be found in the original claims as filed and at least on pages 5-19 of the application as filed.

Conclusion

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

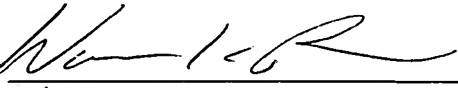
The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith,


Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 2/4/09

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5416
Facsimile: (202) 672-5399

By 

 Brian J. McNamara
Attorney for Applicant
Registration No. 32,789